

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JACOB SAUL STUART,  
  
Defendant.

CASE NO. CR11-0120-JCC  
  
ORDER

This matter comes before the Court on Defendant Jacob Saul Stuart's renewed motion for compassionate release (Dkt. No. 1249)<sup>1</sup> and the Government's motion for leave to file an overlength brief (Dkt. No. 1253). Having thoroughly considered the briefing and the relevant record, the Court hereby DENIES Defendant's renewed motion and GRANTS the Government's motion for the reasons explained herein.

**I. BACKGROUND**

Defendant is currently serving a 180-month sentence following 2011 guilty pleas on conspiracy to distribute controlled substances and conspiracy to commit money laundering. (Dkt. Nos. 472, 878, 879.) In his prior motion for compassionate release, Defendant asserted that his

---

<sup>1</sup> The motion is styled as a motion for reconsideration; however, the Court views the motion as a renewed motion for compassionate release, as Defendant does not assert that the Court committed manifest error in its prior ruling. (*See* Dkt. No. 1250.)

1 desire to care for his mother represented an extraordinary and compelling reason for reducing his  
 2 sentence. (*See* Dkt. Nos. 1223, 1228.) The Court denied Defendant’s motion after concluding  
 3 that “Defendant fail[ed] to carry his burden in demonstrating that his mother is truly  
 4 incapacitated and that Defendant is the only possible caregiver.” (Dkt. No. 1243 at 3.) Defendant  
 5 renews this motion. (*See* Dkt. No. 1249). He argues (1) the Ninth Circuit’s *Aruda* decision, (2)  
 6 his own health and COVID-19 concerns, and (3) the updated caretaking needs of his mother  
 7 warrant reducing his sentence. (*Id.* at 1.)

## 8 **II. DISCUSSION**

### 9 **A. Defendant’s Motion for Compassionate Release**

10 The Court may reduce a term of imprisonment if extraordinary and compelling reasons  
 11 warrant a reduction, a defendant has exhausted his administrative rights of appeal with the  
 12 Bureau of Prisons, and a reduction is consistent with the factors articulated in 18 U.S.C.  
 13 § 3553(a) and “with applicable policy statements issued by the Sentencing commission.” *See* 18  
 14 U.S.C. § 3582(c)(1)(A); U.S.S.G. § 1B1.13. Here, it is unclear whether Defendant has satisfied  
 15 the exhaustion requirement.<sup>2</sup> However, because Defendant fails to present extraordinary and  
 16 compelling reasons to warrant a sentence reduction, the Court declines to address the exhaustion  
 17 issue further.

18 First, in *United States v. Aruda*, the Ninth Circuit held that the Sentencing Commission’s  
 19 policy statement on extraordinary circumstances warranting a reduction in sentence is not  
 20 presently “applicable” to a motion for compassionate release brought by a defendant directly to  
 21 the Court. *See* 993 F.3d 797, 802 (9th Cir. 2021). Regardless, the Court may still consider the  
 22 statement if it so chooses. *Id.*; *see, e.g., United States v. Adams*, 2021 WL 2073389, slip op. at 2  
 23 (W.D. Wash. 2021); *United States v. Gilbert*, 2021 WL 1561702, slip op. at 2 (W.D. Wash.

---

24 <sup>2</sup> Defendant claims he made a request to his Warden sometime in July 2021 and received  
 25 a written denial in August 2021. However, Defendant failed to provide any evidence of these  
 26 events or even a date which they were sent and received. (*Compare* Dkt. No. 1228-4 (attaching a  
 copy of Defendant’s request to the Warden), *with* Dkt. No. 1249 (omitting such copies).)

2021). In this instance, the Court chooses to do so.

Second, Defendant's own alleged health concerns do not justify early release. Defendant provides a form letter from a physician which does not attempt to opine on the effects of COVID-19 on Defendant specifically, but which warns of its dangers generally. (*See* Dkt. No. 1249-4.) While the rise of variants may increase the risk of contracting a serious illness from a COVID-19 infection, that concern is reduced because Defendant has been fully vaccinated against its infection. (*See* Dkt. No. 1249 at 5.)

Defendant also claims he has a weak immune system, which, paired with general COVID-19 concerns, he contends warrants early release. (Dkt. No. 1249 at 5–6.) Defendant likens his situation to the defendant in *United States v. Manglona*, who was granted compassionate release based on a preexisting condition that made him uniquely vulnerable to COVID-19 complications. (*See* Dkt. No. 1249 at 6 (citing 2021 WL 808386, slip op. at 1 (W.D. Wash. 2021)).) But unlike the defendant in *Manglona*, Defendant presents no evidence of aggravating conditions beyond a conclusory statement that a childhood doctor told him he probably had a weak immune system. (Dkt. No. 1249-1, 1249-2.) Consistent with this, the court in *Manglona* rejected the defendant's compassionate release motion until he provided medical records to substantiate his health-related claims. *See* 2021 WL 808386, slip op. at 1. Here, Defendant fails to provide any such records. (*See* Dkt. No. 1249 at 5–6.) Moreover, many courts have concluded that, under similar circumstances, health conditions no longer represent an extraordinary and compelling reason warranting a reduction in sentence. *See, e.g., United States v. McBriarty*, 2021 WL 1648479, slip op. at 6 (D. Conn. 2021); *United States v. McGill*, 2021 WL 662182, slip op. at 5 (D. Md. 2021). The Court reaches the same conclusion here.

Lastly, Defendant fails to submit any evidence demonstrating a material change in his mother's condition that would change the Court's prior analysis. (*See* Dkt. No. 1249 at 4–5.) He also fails to explain why other family members, including his mother's husband, cannot adequately care for her until Defendant is released. (*See id.*) His only new argument is that his

1 wife cannot move to Arizona to care for Defendant's mother. (Dkt. No. 1249-6.) But that  
2 assertion alone is not sufficient to warrant a reduction in sentence. (*See* Dkt. No. 1243.)

3 For the reasons described above, the Court FINDS that Defendant has failed to carry his  
4 burden to establish extraordinary and compelling circumstances warranting a reduction in his  
5 sentence. Accordingly, the Court need not consider whether a reduction in Defendant's sentence  
6 would be consistent with 18 U.S.C. § 3553(a). *See* 18 U.S.C. § 3582(c)(1)(A); United States  
7 Sentencing Guidelines § 1B1.13.

8 The remaining sentence continues to reflect the seriousness of Defendant's crimes and  
9 will afford adequate deterrence, protect the public, and provide Defendant with the correctional  
10 treatment he needs. Accordingly, Defendant's renewed motion for compassionate release is  
11 DENIED.

12 **B. Motion to File Overlength Brief**

13 The Government moves to file an overlength brief in response to Defendant's renewed  
14 motion for compassionate release (Dkt. No. 1253.) The Court finds the length of the  
15 Government's response brief reasonable and hereby GRANTS the Government's motion.

16 **III. CONCLUSION**

17 For the foregoing reasons, the Court DENIES Defendant's renewed motion for  
18 compassionate release (Dkt. No. 1249) and GRANTS the Government's motion to file an  
19 overlength brief (Dkt. No. 1253).

20 DATED this 21st day of October 2021.

21  
22  
23 

24 John C. Coughenour  
25 UNITED STATES DISTRICT JUDGE  
26